

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**JANE DOE,  
Plaintiff,**

**vs.**

**KERRVILLE INDEPENDENT  
SCHOOL DISTRICT,  
Defendant.**

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**CIVIL ACTION NO.: 5:21-CV-00369-XR**

**DEFENDANT’S OPPOSED MOTION TO EXTEND PRETRIAL MOTIONS DEADLINE**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Defendant, Kerrville Independent School District (“Defendant”) and files this Opposed Motion to Extend Pretrial Motions Deadline. In support thereof, the Defendant respectfully shows the Court the following:

**I. BACKGROUND**

1. On January 31, 2023, the Court issued a Scheduling Order [Dkt No. 32]. The Scheduling Order set the deadline for Pretrial Motions – “No motion (other than a motion in limine) may be filed after this date except for good cause. The deadline to file motions (including dispositive motions and Daubert motions) is **May 22, 2023**. [Dkt No. 40].

2. The Defendant submits this Opposed Motion to Extend Pretrial Motions Deadline for review and consideration.

**II. ARGUMENT AND AUTHORITIES**

3. Pursuant to Rule 16 of the Federal Rules of Civil Procedure, the Court has broad discretion to control its docket and modify a scheduling order. FED. R. CIV. P. 16. The Parties have worked diligently to comply with the Court’s Scheduling Order.

4. The parties have agreed to engage in mediation of this case. On May 15, 2023, the Court extended the deadline to engage in mediation since the parties were unable to coordinate the mediation within the previously assigned deadline. The parties are scheduled to conduct mediation on May 25, 2023, with attorney Joe Casseb.

5. Because this request to amend the Court's current scheduling order is made before the relevant deadline(s) elapsed, it is evaluated under the relatively lenient "good cause" standard. FED. R. CIV. P. 16(b)(4). "There are four relevant factors to consider when determining whether there is good cause under Rule 16(b)(4): (1) the explanation for the failure to timely comply with the scheduling order; (2) the importance of the modification; (3) potential prejudice in allowing the modification; and (4) the availability of a continuance to cure such prejudice." *Squyres v. Heico Companies, L.L.C.*, 782 F.3d 224, 237 (5th Cir. 2015) (internal quotation marks and citation omitted). Defendant asserts that the extension of the deadline is necessary due to the fact that the parties are scheduled to engage in mediation on May 25, 2023. Defendant requests that it not be required to expend time and attorneys' fees necessary in preparing a Motion for Summary Judgment or Daubert Motion until such time as mediation can be attempted as such fees may be unnecessary if the parties are able to resolve the matter. In addition, the opportunity to avoid expending unnecessary attorney's fees prior to mediation may benefit the parties' ability to reach resolution. This brief modification to the scheduling order is of utmost importance as it will allow the parties to fully engage all methods of resolution before trial, whether through dispute resolution or summary judgment, if such efforts are not successful. Neither party will be prejudiced by the brief modification, as the deadline extension will apply equally to both parties, and this matter is not set for trial until September.

6. The Defendant requests that the deadline pertaining to Pretrial Motions be extended as follows:

No motion (other than a motion in limine) may be filed after this date except for good cause. The deadline to file motions (including dispositive motions and Daubert motions) is extended to June 19, 2023.

7. This request is not submitted for the purposes of delay, but so that justice may be done.

Respectfully submitted,

By: //s// D. Craig Wood  
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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF CONFERENCE**

On May 15, 2023, the undersigned counsel conferred with Plaintiff's counsel regarding the contents of this Motion. Plaintiff's counsel is opposed to this Motion.

//s// D. Craig Wood  
D. Craig Wood

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on the 19<sup>th</sup> day of May, 2023, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF system and has been served on all counsel of record, pursuant to Federal Rules of Civil Procedure as follows:

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//s// D. Craig Wood  
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